



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager  
860-441-6630

**Mayor Rita M. Schmidt, Councilors Genevieve Cerf, Joe de la Cruz, Bruce S. Flax, Bob Frink, Rich Moravsik, Deborah L. Peruzzotti, Heather Bond Somers and Harry A. Watson**

**Tuesday, August 5, 2014**

**7:30 PM**

**Town Hall Annex - Community Room 1**

#### **REGULAR MEETING**

#### **I. ROLL CALL**

*The meeting was called to order at 7:30 p.m. by Mayor Schmidt.*

Members Present: Mayor Schmidt, Councilor Cerf, Councilor de la Cruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Peruzzotti, Councilor Somers and Councilor Watson

*Also present were Town Manager Mark Oefinger, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.*

#### **II. SALUTE TO THE FLAG**

*The Salute to the Flag was led by Kevin Trejo.*

#### **III. RECOGNITION, AWARDS & MEMORIALS**

*None.*

#### **PUBLIC HEARINGS:**

##### **2014-0209 Lease of a Portion of Fitch Middle School to Project LEARN**

##### **Heard at Public Hearing**

*Mayor Schmidt called a recess for the Public Hearing at 7:31 p.m.*

*The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Moukawsher.*

*Kevin Trejo, 536 Shennecossett Road, supports leasing a portion of Fitch Middle School to Project LEARN as long as the Town does not have an immediate use for building. This will allow two years to determine what should be done with the property.*

*Eileen Howley, 44 Hatchetts Hill Road, Old Lyme, Executive Director of Project LEARN, stated that Project LEARN is seeking space for approximately 150 middle school students from Southeastern Connecticut, including six with special needs. Ms. Howley noted that moving to a middle school environment will enhance the school and its development. She verified that discussions are taking place with New London regarding a permanent home for the school. Project LEARN is interested in leasing Fitch Middle School for two years with use of the C wing; kitchen; cafeteria; and occasional use of the auditorium and stage areas.*

*There being no further comments, Mayor Schmidt closed the Public Hearing at 7:36 p.m.*

##### **2014-0210 Extension of Leases for 36-40 Central Avenue to TVCCA**

##### **Heard at Public Hearing**

*Mayor Schmidt called a recess for the Public Hearing at 7:37 p.m.*

*The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Moukawsher.*

*Kevin Trejo, 536 Shennecossett Road, Chairman of Children First Groton, urged the Council to renew the lease at 36-40 Central Avenue. He stated that these facilities are vital to Groton's children. Mr. Trejo noted that educational services are provided, and the children become emotionally and socially ready for school.*

*Mary Guertin, 461 Bank Street, New London, Director of Head Start located at 36 Central Avenue, encouraged Councilors to extend the TVCCA lease. She noted that it plans to apply for bond money to upgrade the facility.*

*Debbi Poirier, 21 Gardner Acres Road, Norwich, Director of Little Learners Program located at 38 & 40 Central Avenue, requested an extension of the lease, stating that bond money will be used to update handicap accessibility; windows; boilers; air conditioning units; and security upgrades. Ms. Poirier stated that TVCCA provides vital services to children and families in the community.*

*Brenda Scroggins, 157 Noank Road, Mystic, Site Manager, stated that the programs serve 81 children and are beneficial to the children of Groton. She requested that the extension be granted.*

*Heather Logan, 51 Lemont Road, stated that she has two boys in the program. She noted that the facility is a great resource with fantastic teachers. Ms. Logan urged the Council to renew the lease.*

*There being no further comments, Mayor Schmidt closed the Public Hearing at 7:43 p.m.*

#### **IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*Bill Smith, 255 Neptune Drive, outlined some of the economic issues facing Groton and stated that he believes that five acres of the Noank School property should be sold for development and the remaining acre designated as a community garden. He believes that the use of this land as a community garden would set a precedent. Mr. Smith feels that it would be fiscally responsible to add a portion of the property to the grand list.*

*Fred Kent, 22 Burrows Street, GLP, stated that the Town would lose \$2.5 million in revenue over five years if the Noank School property is not sold. He believes that it is fiscally prudent to get the property on the tax roles.*

*Betty Smith, 255 Neptune Drive, is concerned by the plight of people being laid off and not being able to pay their bills. She believes that more information could have been reported by the Noank School Reuse Task Force, stating that a significant number of survey respondents were in favor of selling this property. She encouraged Councilors to think about all the residents of Groton when considering the community garden proposal.*

#### **V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*In answer to Councilor Cerf, the 2.5 million in revenue over five years would include the purchase price of the property.*

*Councilor Cerf stated that laying off nine firefighters is entirely controlled by the Poquonnock Bridge Fire District and has nothing to do with the Town budget. She noted that the Town's pension fund is not underfunded and contributions are being made to Other Post Employment Benefits (OPEB). The Town's debt to taxpayer ratio is one of the lowest in the State. Councilor Cerf remarked that other properties have been set aside for public use, such as Poquonnock Plains Park and the Groton Public Library, therefore setting this property aside for public use would not be unprecedented.*

*Councilor de la Cruz and Councilor Frink feel that the Noank property should be sold to generate revenue. Councilor Frink believes it is surplus and that it would be between the developer and the*

*Noank Zoning Commission how the property would be developed.*

*Councilor Moravsik likes the idea of a compromise where some of the Noank property is sold and some reserved for the community garden.*

*Councilor Flax offered to discuss the results of the Noank School Task Force Report with Ms. Smith. He noted that the first choice in the survey results was open space and the second choice was recreation. Councilor Flax remarked that any development of the property would need Noank Zoning Commission approval.*

*Councilor Peruzzotti supports a community garden.*

*Councilor Somers noted that the school has been closed for ten years and the Council has continued to be told through petitions and communications that residents want to keep the property in public trust. Councilors are not taking this decision lightly.*

## **VI. CONSENT CALENDAR**

### **a. Approval of Minutes**

#### **2014-0212 Approval of Minutes (Town Council)**

##### **RESOLUTION ACCEPTING TOWN COUNCIL MINUTES**

RESOLVED, that the minutes of the Town Council meeting of July 15, 2014 are hereby accepted and approved.

**This Matter was Adopted on the Consent Calendar.**

*MOTION TO AMEND to change Section VIII.b. Finance Committee Report to reflect that the Council would like to meet with State legislators was made by Councilor Frink, seconded by Councilor Watson.*

*VOTE on Motion to Amend passed unanimously.*

### **b. Deletions from the Town Council Referral List**

#### **2014-0207 Resolution Reconfirming Town Council Desire to have the Former Noank School Property Remain Publicly Owned**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### **2014-0205 Memorandum of Understanding (MOU) for Noank School Community Garden**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### **2014-0200 FYE 2015 Economic Development Budget**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

#### **2014-0169 LaValley Property, Packer Road**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### **Passed The Consent Calendar**

**A motion was made by Councilor Watson, seconded by Councilor Somers, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar. The motion carried unanimously**

## **VII. COMMUNICATIONS & REPORTS (Other than Committee Reports)**

### **a. Town Councilors**

*Councilors received communications regarding the Noank School property; the Poquonnock Bridge Fire District; and membership of the Charter Revision Commission.*

*Councilor Cerf spoke to Tom Hennick regarding Freedom of Information (FOI) and whether a*

*member of a body can be excluded from an executive session. She requested that the Council discuss this item and how to proceed in the future to prevent exclusion.*

*Councilor de la Cruz attended a flag football event to raise money for scholarships which will be awarded to Fitch High School athletes.*

*Councilor Frink attended meetings to discuss municipal retirement programs and the reuse of Noank School.*

*Councilor Frink and Councilor Moravsik attended the City Highway Budget meeting.*

*Councilor Frink, Councilor Moravsik, and Mayor Schmidt attended an awards ceremony for World War II Veteran Martin Schames.*

*Mayor Schmidt attended the retirement celebration for Cindy Grant.*

**b. Clerk of the Representative Town Meeting**

*The RTM meeting scheduled for August 13, 2014, has been cancelled. The next regular meeting of the RTM will be held September 10, 2014.*

**c. Clerk of the Council**

*The Town Clerk stated that absentee ballots are available for the Republican Primary which will be held August 12, 2014.*

**d. Town Manager**

*By consensus, the Committee of the Whole meeting scheduled for August 12, 2014, will be cancelled. A Special Committee of the Whole Meeting will be scheduled on August 19, 2014, at 6:00 p.m.*

**VIII. COMMITTEE REPORTS**

**a. Community Relations - Chairman de la Cruz**

**b. Finance - Chairman Frink**

*Chairman Frink read the minutes of July 15, 2014.*

**c. Personnel & Appointments - Chairman Flax**

*No meeting, no report.*

**d. Rules - Chairman Frink**

*No meeting, no report.*

**e. Committee of the Whole - Mayor Schmidt**

*The Committee of the Whole discussed the items on tonight's Agenda.*

**IX. NEW BUSINESS**

**2014-0207**

**Resolution Reconfirming Town Council Desire to have the Former Noank School Property Remain Publicly Owned**

**RESOLUTION RECONFIRMING TOWN COUNCIL DESIRE TO HAVE THE FORMER NOANK SCHOOL PROPERTY REMAIN PUBLICLY OWNED**

WHEREAS, the Town Council established the Noank School Reuse Task Force in May 2008 to determine the statutory and other limitations on the Noank School property; inventory community needs that could be accommodated at the Noank School; make a recommendation as to whether or not the property should be permanently disposed of as surplus or reused to meet other public needs or leased to an outside concern; and recommend a plan to solicit reuse proposals for Town Council review; and

WHEREAS, starting in October 2008 the Task Force met numerous times, received significant public input, and conducted a community-wide survey regarding the school and its potential demolition or reuse, and

WHEREAS, the Task Force presented its final report and recommendation to the Town Council in October 2011, and

WHEREAS, at its meeting on November 1, 2011 the Town Council endorsed two of the three recommendations of the Task Force, specifically 1) The Noank School property remain publicly owned; and 2) As a publicly owned property the Noank Fire District be given a six month time frame to present a plan for the school and property, and

WHEREAS, the Town Council at its meeting on June 5, 2012 granted the Noank Fire District an additional six months to develop a full and detailed multi-year plan for the reuse of the former Noank School, and

WHEREAS, the Town Council at its meeting on April 2, 2013 rejected the Noank Fire District's Noank School Reuse Committee reuse proposal, and

WHEREAS, over the last year the Town Council has received numerous ideas and suggestions concerning the reuse of the Noank School property, including proposals that would involve selling all or a portion of the property, now therefore be it

RESOLVED, that the Town Council reconfirms that it is their desire that the former Noank School property remain publicly owned and not sold for private development purposes.

**A motion was made by Councilor de la Cruz, seconded by Councilor Watson, that this matter be Adopted.**

*Councilor de la Cruz stated that he will be voting against this resolution.*

*MOTION TO AMEND to sell five acres and reserve one acre for a community garden was made by Councilor Moravsik and seconded by Councilor Frink.*

*Councilor Cerf is opposed to the amendment. She stated that a majority of the residents in Noank don't want the property developed.*

*Councilor Somers added that residents throughout the Town have voiced their support of the property remaining in the public trust. All Groton residents will have access to this property.*

*The Town Manager noted that the existing community garden is heavily used and the Town charges a small fee for each plot.*

*Councilor Frink feels it would be a duplication.*

*MOTION TO MOVE THE QUESTION was made by Councilor Somers, seconded by Councilor Cerf.*

*VOTE on Motion to Move the Question carried 5 In Favor, 4 Opposed (Opposed: Councilors de la Cruz, Frink, Moravsik, Peruzzotti)*

*VOTE on Motion to Amend failed 3 In Favor, 6 Opposed (In Favor: Councilors de la Cruz, Frink, and Moravsik)*

**The motion carried by the following vote:**

**Votes:** In Favor: 7 - Mayor Schmidt, Councilor Cerf, Councilor Flax, Councilor Moravsik, Councilor Peruzzotti, Councilor Somers and Councilor Watson  
Opposed: 2 - Councilor de la Cruz and Councilor Frink

2014-0205

**Memorandum of Understanding (MOU) for Noank School Community Garden**

RESOLUTION AUTHORIZING THE DEVELOPMENT OF A MEMORANDUM OF UNDERSTANDING (MOU) FOR THE CREATION OF A COMMUNITY GARDEN AT THE FORMER NOANK SCHOOL PROPERTY

WHEREAS, the Town Council passed a resolution at their meeting on May 20, 2014 directing that a lease with the Noank School Public Gardens group be prepared, and

WHEREAS, the members of the Noank School Public Gardens group and Town staff have had follow up discussions and are now of the opinion that leasing the property is not a viable alternative for the Noank School Public Gardens, and

WHEREAS, the Noank School Public Gardens group is still desirous of creating an appropriately sized community garden at the former Noank School property, now therefore be it

RESOLVED, that the Town Council directs the Noank School Public Gardens group and Town staff to prepare a draft/proposed Memorandum of Understanding (MOU) within three months for Town Council review and approval that would allow for the establishment of community gardens at the former Noank School property.

**A motion was made by Councilor Peruzzotti, seconded by Councilor Cerf, that this matter be Adopted as Amended.**

*In answer to Councilor Frink, the Town Manager stated that during discussions it was decided to develop a Memorandum of Understanding similar to the one for Elizabeth Park in Hartford rather than a lease. He noted that the group proposing the garden will become a legal entity and a plan will be generated to determine which portions of the property will be used as a public garden and which portions of the property will be used for other recreational purposes.*

*Councilor de la Cruz is concerned whether the garden group can obtain grants with a MOU versus a lease.*

*Councilor Somers suggested that a Garden Commission be created to oversee what is done on the property.*

*It was noted that it is a lengthy process to obtain a 501.c.3. status.*

*MOTION TO AMEND to require a three month period to prepare the draft Memorandum of Understanding (MOU) was made by Councilor Frink, seconded by Councilor Watson.*

*Councilor de la Cruz suggested putting a question on the ballot to see what the whole Town would like to do with the property.*

*VOTE on Motion to Amend carried unanimously.*

**The motion carried by the following vote:**

**Votes:** In Favor: 7 - Mayor Schmidt, Councilor Cerf, Councilor Flax, Councilor Moravsik, Councilor Peruzzotti, Councilor Somers and Councilor Watson  
Opposed: 2 - Councilor de la Cruz and Councilor Frink

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2014-0159

**Resale of Town Owned Property Acquired through Tax Foreclosure**

RESOLUTION MAKING A DETERMINATION REGARDING TOWN PROPERTIES

## ACQUIRED THROUGH TAX SALE OR FORECLOSURE

WHEREAS, the November 2013 Process for Resale of Town Owned Property requires the Town Council to review properties acquired through tax sale or foreclosure and to make a determination of whether the properties are to be used or reserved for town purposes or sold, and

WHEREAS, the Town Council has reviewed six parcels acquired through tax sale/foreclosure and referred them to the Planning Commission under CGS Section 8-24, and

WHEREAS, the Planning Commission has recommended action consistent with staff's recommendation for the parcels, now therefore be it

RESOLVED, that the Town Council makes the following determinations on the six properties acquired through tax sale/foreclosure:

PIN 261917116969E Conrad Street - Designate as Town open space  
PIN 270017017868E 1500 Gold Star Highway - Sell  
PIN 169806380107E Laurelwood Road/Poquonnock Road - Sell  
PIN 169806381089E Laurelwood Road - Sell or retain as excess right-of-way  
PIN 168912973189E Toll Gate Road - Designate as open space  
PIN 169812864158 84 Central Avenue - Sell

and be it further

RESOLVED, that the sale of the properties that exceed \$10,000 in fair market value is referred to the RTM.

**A motion was made by Councilor Frink, seconded by Councilor Peruzzotti, that this matter be Postponed to a Certain Time to the Town Council, due back on August 19, 2014.**

*The Town Manager suggested tabling this item to calculate property values to determine if the resolution would need to be referred to the RTM.*

**The motion carried unanimously**

**2014-0169**

**LaValley Property, Packer Road**

RESOLUTION ACCEPTING THE LAVALLEY PROPERTY, 126 PACKER ROAD, AS OPEN SPACE

WHEREAS, William LaValley, the owner of 126 Packer Road, Mystic, has offered to give his vacant parcel to the Town of Groton as open space, and

WHEREAS, the acquisition of the LaValley property was referred to the Planning Commission under CGS Section 8-24, and

WHEREAS, the Planning Commission recommended that the Town acquire the property for open space because the property is wetlands, bounded by Haley Brook, within the 100 year flood plain, and within Groton Utilities' future water supply watershed, now therefore be it

RESOLVED, that the Town Council accepts the LaValley property at 126 Packer Road, Mystic as open space.

**A motion was made by Councilor Frink, seconded by Councilor Flax, that this matter be Adopted and Referred to the Representative Town Meeting, due back on October 8, 2014.**

**The motion carried unanimously**

**2014-0209**

**Lease of a Portion of Fitch Middle School to Project LEARN**

RESOLUTION AUTHORIZING FINALIZATION AND EXECUTION OF A LEASE FOR A

**PORTION OF FITCH MIDDLE SCHOOL TO PROJECT LEARN**

WHEREAS, the Town Council authorized preparation of a lease for a portion of Fitch Middle School to Project LEARN for the LEARN Dual Language and Arts Magnet Middle School, and

WHEREAS, the term of the lease will be for School Years 2015 and 2016, and

WHEREAS, the Town Council has reviewed a draft of the lease, and

WHEREAS, the Planning Commission has made a favorable recommendation on the lease in response to the referral under Connecticut General Statutes Section 8-24, now therefore be it

RESOLVED, that Town Manager Mark R. Oefinger is authorized to finalize and execute the lease described above.

**A motion was made by Councilor Watson, seconded by Councilor Moravsik, that this matter be Adopted.**

*The Town Manager stated that even if Project LEARN cannot move into Fitch Middle School on the first day of school it could move in during the year. It will be beneficial to have the building occupied. Mr. Oefinger stated that the Board of Education (BOE) has used the building for storage which will need to be removed. The Town will conduct an auction for items BOE determines to be surplus.*

*Discussion ensued regarding the progress of removing stored items; the fact that the Town will probably have a use for the property at the end of the lease; and the short timeframe until the beginning of the academic school year.*

**The motion carried unanimously**

**Suspension of the Rules**

*A motion to suspend the rules to consider appointments of Councilor Moravsik to Southeast Area Transit and Councilor Cerf to the Economic Development Commission was made by Mayor Schmidt, seconded by Councilor Somers and so voted unanimously.*

**2014-0219 Miscellaneous and Ad Hoc Committee Appointments****RESOLUTION MAKING APPOINTMENTS TO MISCELLANEOUS AND AD HOC COMMITTEES**

RESOLVED, that the following individuals are appointed to the groups as noted:

Economic Development Commission Liaison - Councilor Genevieve Cerf

Southeast Area Transit - Councilor Rich Moravsik

**A motion was made by Mayor Schmidt, seconded by Councilor Frink, that this matter be Adopted.**

**The motion carried unanimously**

**2014-0210 Extension of Leases for 36-40 Central Avenue to TVCCA****RESOLUTION AUTHORIZING EXTENSION OF THE LEASE AGREEMENTS WITH TVCCA AND GRANTING PERMISSION FOR IMPROVEMENTS TO THE PREMISES AT 36-40 CENTRAL AVENUE**

WHEREAS, the Thames Valley Council for Community Action (TVCCA) provides childcare and early education programs at the premises located at 36-40 Central Avenue, which are leased from the Town of Groton, and

WHEREAS, TVCCA will be applying to the State Department of Education for bond funds for improvements and minor capital repairs to the premises, and

WHEREAS, the State Department of Education requires the Town, as owner, to acknowledge and

certify that the Town and TVCCA are parties to a multi-year lease having 10 or more years remaining and to agree to placement of a lien against the premises in the amount of the grant, now therefore be it

RESOLVED, that Mark R. Oefinger, Groton Town Manager, may execute extensions of the TVCCA leases for childcare and early education programs at 36-40 Central Avenue to April 30, 2026, and be it further

RESOLVED, that the Town Manager may sign the State Department of Education Acknowledgement and Certification of Owner of Premises and Agreement for Placement of Lien for TVCCA's bond application.

**A motion was made by Councilor Somers, seconded by Councilor Watson, that this matter be Adopted.**

*The Town Manager noted that TVCCA plans to get bond funding to do needed improvements. The property consists of three buildings on Central Avenue. Mr. Oefinger noted that if TVCCA receives bonding from the State, a lien will be placed on the property.*

**The motion carried unanimously**

**X. OTHER BUSINESS**

*The Town Manager noted that the Town is in the process of getting bids for the demolition of Noank School.*

**XI. ADJOURNMENT**

*A motion to adjourn at 9:23 p.m. was made by Councilor Watson, seconded by Councilor Somers and so voted unanimously.*

*Attest:*

*Betsy Moukawsher, Town Clerk  
Clerk of the Council*

*Lori Watrous, Office Assistant*